

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/865,612	05/25/2001	Brian A. Vaartstra	150.00810102	4697	
26813 7	590 12/03/2002				
MUETING, RAASCH & GEBHARDT, P.A. P.O. BOX 581415			EXAMINER		
MINNEAPOLIS, MN 55458			FOURSON III, GEORGE R		
			ART UNIT	PAPER NUMBER	
			2823		
				DATE MAILED: 12/03/2002	

Please find below and/or attached an Office communication concerning this application or proceeding.

•		_	r/			
	Application No.	Applicant(s) /			
•	09/865,612	VAARTSTRA	A, BRIAN A.			
Office Action Summary	Examiner	Art Unit				
	George Fourson	2823				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address						
Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM						
THE MAILING DATE OF THIS COMMUNICATION.						
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.						
 If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. 						
 Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 						
Status						
1) $oxed{\boxtimes}$ Responsive to communication(s) filed on \underline{o}	<u> 6 March 2002</u> .					
2a) ☐ This action is FINAL . 2b) ☑	This action is non-fir	ıal.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is						
closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213. Disposition of Claims						
4)⊠ Claim(s) <u>18-38</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
5) Claim(s) is/are allowed.						
6)⊠ Claim(s) <u>18-38</u> is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) are subject to restriction and	d/or election requiren	nent.				
Application Papers						
9)☐ The specification is objected to by the Examiner.						
10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).						
11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) ☐ The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) All b) Some * c) None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for dome	•		ional application)			
a) The translation of the foreign language provisional application has been received.						
15) Acknowledgment is made of a claim for dome	• •					
Attachment(s)						
 Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 	LL 5) 🗌 1	Interview Summary (PTO-413) Pape Notice of Informal Patent Application Other:				

Application/Control Number: 09/865,612

Art Unit: 2823

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 18-38 are rejected under 35 U.S.C. 102(a) as being anticipated by examiner's taking of official notice.

The examiner takes official notice that CVD systems including those adapted as recited in claim 20 for example were known prior to applicant's invention. Inclusion of material or article worked upon by a structure being claimed does not impart patentability to the claims. In re Young, 75 F.2d 966, 25 USPQ 69 (CCPA 1935)(as restated in In re Otto, 213 F.2d 937, 136 USPQ 458, 459 (CCPA 1963)).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. See MPEP 203.08.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner George Fourson whose telephone number is (703) 308-2544. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri, can be reached on (703) 306-2794. The fax number for this group is (703)308-7722 (or extensions 7724, 3431 or 3432) for regular communications and (703)308-7382 for after final communications.

George Fourson
Primary Examiner
Art Unit 2823

GFourson November 30, 2002